

REMARKS

The Examiner has required that the present application be restricted, under 35 U.S.C. §§ 121 and 372, to one of seventeen groups of claims:

Applicants hereby elect *with traverse* the claims of Group XVII (Claim 46), drawn to a method for treating wound and/or improving wound healing wherein a therapeutically effective amount of a pharmaceutical composition comprising a substance that inhibits a pro-inflammatory cytokine is administered to a patient in need of a treatment, wherein the said substance is lactoferin or a peptide derived or derivable from lactoferin.

The Applicants traverse for at least the following reasons, and respectfully assert that the inventions of Groups I-XVII should be examined together. All of the claims relate to a substance or use of a substance that inhibits pro-inflammatory cytokine(s) to improve and encourage wound healing.

Thus, Applicants respectfully submit that the inventions of Groups I-XVII are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. Thus, Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. Regardless of whether the seventeen inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. MPEP § 803 requires that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Applicants have no intention of abandoning any non-elected subject matter and expressly reserve the right to file one or more continuation and/or divisional applications directed to the non-elected subject matter.

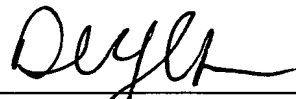
Applicants earnestly solicit favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 22, 2006

By:



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